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ABSTRACT

This handbook for parents explains how Wisconsin schools must go about finding, evaluating, developing programs for, and placing children with exceptional educational needs (EEN). Various state and federal laws and regulations (e.g., Section 504 of the Rehabilitation Act of 1973) are cited. The first section covers identification of EEN children, including Child Find, screening, and referral. The next sections look at evaluation of children by a multidisciplinary team, requirements of the Individualized Education Program, the placement process, and the hearing and appeal process. Procedures for filing complaints are detailed for EDGAR (Education Department General Administrative Regulations) complaints, OCR (Office for Civil Rights) complaints, and complaints under Wisconsin state statute 118.13. Specific rights of parents and children are then outlined. These include notice, consent, evaluation, independent educational evaluations, review of records, programming and placement, least restrictive environment, complaints, appeals and hearings, and surrogate parents. The document concludes with a resource list of 53 organizations in Wisconsin for parents of EEN children, and a glossary giving definitions of 58 relevant terms. (DB)

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The EEN Triangle of Support

A Guide for Parents

REVISED EDITION

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The EEN Triangle of Support:
A Guide for Parents

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This parent handbook was originally developed by the Wisconsin Department of Public Instruction in cooperation with the State Superintendent's Council on Exceptional Education. The handbook explains handicapped education processes and procedures and the role and rights the parent has during the process of identification, evaluation, and placement of exceptional educational needs children. It has been revised to be current with revised state requirements.

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Introduction

Each student who enters a public school has the right to expect to be treated like any other child who enters school. We are all aware that some children have special problems and needs which require a different educational program than most children receive.

State (Subchapter V, Chapter 115, Wis. Stats.) and federal (Education of the Handicapped Act) laws require that schools identify these children and provide them with special education. The children identified as needing this special education are children with exceptional educational needs (EEN). Special education is defined as specially designed instruction, provided at no cost to a child or a child's parents, to meet the unique needs of a child with a handicapping condition, including classroom instruction, instruction in physical education and instruction at home and in hospitals and institutions.

The following information explains how a school must go about finding, evaluating, developing a program for, and placing these children. It also describes actions that parents or schools can take if there are disagreements between parents and the school. And finally, it explains certain rights parents and schools have when this is being done.

If you would like copies of the state and federal handicapped education laws and rules, write to: Director, Bureau for Exceptional Children, Division for Handicapped Children and Pupil Services, Department of Public Instruction, P.O. Box 7841, Madison, Wisconsin 53707-7841.

How are Children with Possible EEN Identified?

An important task for the school is to identify those children who may be handicapped and who may require special education. The law requires that this be done through child find, screening, and referral procedures.

Child Find

Each school is required to carry out child find activities. The school must actively seek out any child who may have a handicapping condition. Schools do this by publishing articles in the newspapers, distributing bulletins and pamphlets, reviewing the school census, and by having a fixed point of contact for parents who think their child may have such a problem. Each school principal should be able to tell parents who to call if they suspect their child has a handicap that requires special education.

In Wisconsin, school districts are required to do child find activities for children from birth to age 21. If a child in this age range is referred to the district, it must do or arrange for an evaluation. While districts are required to provide special education to children from age three until age 21 or until they graduate from high school, schools will help parents find services for children under the age of three.

Screening

The state special education law requires that schools continue the effort to identify children who may be handicapped by screening all children who are residents of the school district and who have not graduated from high school. The screening that is familiar to many parents is the one done when a child first enrolls in kindergarten. The law also requires other screening procedures, including for those children who move from one district to another.

Parental permission is not required to have a child go through a screening process. However, parents may refuse to allow their children to take part. Schools cannot require that a child go through a formal screening process as a prerequisite to starting school.

In addition to this formal screening process, schools must ensure that informal, ongoing screening also takes place. This is usually in the form of observations and testing programs carried out by classroom teachers and other personnel in the school during the school year.

The earlier a child with a handicap can be identified and served, the better are the chances that the child's future can be improved. A school district must provide, on request, screening opportunities to children who are below school-entry age.

If you have a child you suspect may be handicapped but don't know where to go or who to talk to locally, call the toll-free number for the Wisconsin Department of Public Instruction, Division for Handicapped Children and Pupil Services' Hotline. When calling the Hotline number (Monday - Friday, 8:00 a.m. to 4:00 p.m.), please ask for "DHC Hotline."

Madison	(608) 266-8143	(voice, TDD)
Milwaukee	(414) 342-3020	
Statewide	(800) 362-3020	

Referral

State law requires that a referral process be part of the identification process. The law requires that any certificated (licensed) personnel working in the public school refer a child if they suspect or have a reason to believe that the child has an exceptional educational need.

A physician, nurse, teacher at a state or county residential facility, psychologist, social worker, or administrator of a social agency who has reason to believe that a child has an exceptional educational need must report the child to the school. The parents must be notified before a referral is made.

All referrals must be in writing. The referral must state the reason for the referral. When a school district receives a referral, it must send a "Notice of Receipt of Referral" to the child's parents. The referral notice must include a list of the procedural safeguards available to the parent and child with respect to special education. (See "What Rights Do Parents and Children Have?" on pages 12-17.)

Schools must process every referral made for an EEN regarding children who are residents of the district and who have not graduated from high school. The only thing that can stop the child from being evaluated is if the parents refuse to allow the evaluation to be done.

Parents also may refer a child. If a parent suspects that the child has an EEN, the best thing to do is to talk to the child's teacher, principal, guidance counselor, or director of special education about the child's problem. They will help the parent make the referral.

Once the referral is made, the school has 90 days to evaluate, develop an individualized education program (IEP), and offer placement for a child who is determined to have an EEN. Children determined not to have exceptional educational needs may be referred for other services.

Parents cannot stop someone such as a teacher from referring their child if that teacher feels there is reason to believe the child may have an EEN. The law requires that teachers refer a child even though the parent may object.

How is a Child Evaluated?

A school district must evaluate every child who is a resident of the district who has not graduated from high school if he or she has been referred for an evaluation and is between the ages of birth and 21. This is done by a multidisciplinary team (M-Team) of experts from different fields. The team must have at least two members and can be as large as necessary. There must be at least two experts on the team who are skilled in assessing and programming in the area of the suspected handicap. One of these people must be certified to teach children with that handicapping condition. If there are two or more suspected conditions, the team must include a person certified in each handicapping condition.

Before an evaluation can be done, the parents must be notified in writing that the school intends to evaluate their child. This notice of intent to evaluate must state the area(s) to be evaluated (for example: intellectual, visual, or auditory); who will do the evaluating (for example: school psychologist, teacher, or nurse); the purpose for the evaluation; and the general types of testing instruments that will be used. This notice must be given every time the school intends to do an evaluation.

Along with the information listed above, the notice also must inform parents about their parental rights. These rights are called "procedural safeguards," and are meant to protect the child's and parents' rights. (See "What Rights Do Parents and Children Have?" on pages 12-17.)

If this is the initial (first) evaluation to be done by the school, parents are asked to give their written consent for it. Consent is voluntary, and parents may refuse to give it. Written consent is not required for re-evaluations. The parents' original written consent continues in effect for all future re-evaluations unless the parent revokes his or her consent in writing. Parents have the right to revoke their consent in writing at anytime. If the school feels that the child's right to an appropriate education may be denied by the parents' refusal to allow the evaluation to take place, the school has the right to ask for a hearing. An impartial hearing officer will make the decision as to whether the child should or should not be evaluated. (See "What if Someone Disagrees?" on pages 8-9.)

The purpose of the M-Team evaluation is to determine if the child has a handicapping condition that requires special education—in other words, if the child has an exceptional educational need. The school must notify the parents of the M-Team meeting date a reasonable amount of time in advance. Parents must also be told the time, date, and location of the meeting as well as the names and titles of members of the M-Team. The parents may attend this meeting, but their presence is not required.

Once the consent to evaluate is received, the first step in the M-Team evaluation process is to review the information and data about the child that may already exist. Each member of the M-Team prepares a written report of the evaluations he or she conducted and the findings. If the parents wish to have the individual reports at the M-Team meeting, they must make the request in writing within ten days of the date the school sent them a notice that their child was going to be evaluated.

When the M-Team has completed its evaluation and has made a decision that the child has a handicapping condition and a need for special education, the M-Team must make recommendations regarding what related services the child may need.

The M-Team must submit a written report to the director of special education or program designee. The report must include

1) a list of the handicapping conditions that the M-Team found the child to have.
2) the M-Team's conclusions regarding whether the child needs special education because of a handicapping condition.
3) if the child's need for occupational or physical therapy was considered, the M-Team's conclusions regarding that need.

4) a statement that documents the reasons for each of the M-Team's findings and conclusions listed above.
5) recommendations regarding which other related services the child may need.

If an M-Team finds that a child is not a child with EEN the M-Team report must include the following:

1) an identification of the child's non-exceptional education needs
2) a referral to any programs, other than special education programs, offered by the school from which may benefit the child
3) information about any programs and services other than those offered by the school that the M-Team is aware of that may provide a benefit to the child

The director will send to the parents a copy of all proposed M-Team reports submitted by the team and indicate to the parents in writing which is the approved M-Team report and the reasons why that report was selected.

If the parents were unable to attend the M-Team meeting, the parent may request a conference with school staff to explain the team's findings and recommendations. In cases where the parents did not attend the M-Team meeting, this explanation could be given at the IEP conference. In some cases, especially where parents have some specific questions, a separate conference might be held.

At this point parents can request an independent evaluation if they don't agree with the findings and recommendations of the evaluators. (See "What Rights Do Parents and Children Have?" on pages 12-17.) The school must pay for these independent evaluations unless it feels that the evaluation team has done an appropriate evaluation and requests a hearing to see if it must pay or if the parents refuse to give the school a copy of the evaluation report. If the district requests a hearing, an impartial hearing officer will make the decision.

In the cases where the school pays, the school has the right to set standards for independent evaluations similar to or the same as those standards used by the school. However, the M-Team must consider any private or independent evaluations that may have a bearing on the decision if the parents make them available to the team. Either the school or the parent may present the independent evaluation as evidence at a hearing regarding the child.

What is an Individualized Education Program (IEP)?

After the multidisciplinary team of evaluators has completed its report and if an EEN is identified, an individualized education program (IEP) must be developed. This program specifies the special education and related services needed to meet the individual child's identified EEN and the related and supportive services to be provided.

The program is developed at an IEP conference. The school must have a representative of the district who is qualified to provide or supervise the provision of special education present and the child's teacher. The parent must also be present if at all possible. In some cases it is a good idea to have the child there, too. The parents may bring a friend or advisor to the IEP meeting if they wish.

Before any meeting to develop an IEP, the district must send the parents a notice of the meeting. The notice must identify the time, date, and location of the meeting, who will be present and the purpose of the meeting. The parents must also be given a copy of their rights with the notice.

The IEP meeting must be held at a time and place mutually agreed upon. If the parents and the school cannot agree upon a time and place, the school must attempt to involve the parents by telephone. If the school finds that they cannot arrange a meeting with the parents, the school may go ahead and develop the IEP and send the parents a copy.

The IEP must be developed before the student is placed in special education. It must include a statement of

1) the child's present levels of educational performance.
2) annual goals, including short-term instructional objectives.
3) the extent to which the child will be able to participate in regular education programs.
4) the specific special education and related services to be provided to the child.
5) the projected date for initiation of services and the anticipated duration of the services.
6) appropriate objective criteria and evaluation procedures and schedules for determining, on at least an annual basis, whether the short-term instructional objectives are being achieved.

Parents' suggestions must be considered by the school staff developing the IEP. The parents do not have to consent to the IEP. Parents do not need to sign the IEP but school staff must document that parents attended the meeting.

Once the IEP is developed, the goals, objectives, percentage of time, or services provided cannot be changed without notifying the parent and arranging an IEP conference with all required persons to discuss the reasons for the change. (See "What if Someone Disagrees?" on pages 8-9.)

The child's IEP must be reviewed and revised periodically but at least once a year. Parents must be invited to the meeting when this is done.

How is a Child with EEN Placed?

After a child is evaluated and found to have exceptional educational needs, and an IEP is developed, a special education placement must be identified. A placement offer is developed to implement the IEP and is done in two parts.

The first part of the placement offer is developed by a group of people named by the director of special education or program designee for the district. This group of people identifies the type of special education delivery model and level which would implement the IEP.

As the group makes its decision, it must consider and document its consideration of several factors. The group must consider any potential harmful effect on the child or on the quality of services which the child needs, as well as other concerns.

1) To the maximum extent appropriate, a child with EEN must be educated with children who do not have EEN.
2) Special classes, separate schooling, or any other program that would remove a child with EEN from the regular educational environment may only be included when the nature and severity of the child's handicapping condition is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.
3) Alternative programs that are needed to implement the child's IEP must be available.
4) Appropriate nonacademic and extracurricular services and activities must be provided.

After the group has made its decisions, the director or designee will complete the placement offer. This part identifies the specific location of the placement, or where the program will be provided. The director or designee must consider these requirements.

1) Unless the IEP of a child with EEN requires a different arrangement, the child will be educated in the school he or she would attend if not a child with EEN.
2) Special education and related services must be provided as close as possible to the child's home.
3) A child with EEN may only be placed at home or in a hospital with a physician's written statement that the child is unable to attend school.

Once the placement offer is developed, it will be given or sent to the parents. If this is a child's first placement in special education, the parents will be asked to give their consent for placement. Consent is voluntary and parents may refuse to give it. The parent's original consent continues in effect, unless it is revoked in writing. Consent is not required for future changes in placement, but the parents must be informed about those changes before they happen.

If the district does not have an appropriate placement in the district, it must offer to place the child in another public school program in the state as near as possible to the child's home. If no such program is available in the public schools in the state, the district must offer to place the child in a public school program outside the state or in a private school. Any placement will be done at no cost to the parents. Before they can be made, out-of-state or private placements require the approval of the state superintendent.

What if Someone Disagrees?

In a few cases, parents may disagree with what the school proposes to do or has done. Parents may initiate a hearing if the school proposes or refuses to initiate or change the child's identification, evaluation, or educational placement or provision of a free, appropriate public education to the child.

Hearing and Appeal Process

A hearing is initiated when the parent sends a letter of request for a hearing to the school board. The letter must state the specific reasons for the request. An impartial hearing officer will conduct the hearing and issue a final decision within 45 days of the request for a hearing. The hearing officer may grant specific extensions of time at the request of either the parent or the school district. The hearing officer's decision is final and binding unless appealed to the state superintendent of public instruction within 45 days of the date the hearing officer's written decision was mailed.

School districts may also request a hearing to contest the refusal or revocation of consent by the parents. A school district may initiate a hearing by informing the parents that they are going to schedule a hearing on the area of disagreement. The process is the same as if the parent had made the request. An impartial hearing officer and the same timelines are required. The parents or the district can appeal the decision.

A hearing officer is selected by the district with the consent of the parents. If a parent does not respond to a proposal of a hearing officer within 7 days, the parent is considered to have agreed to the hearing officer. If the school and parent can't agree on a hearing officer, the district will ask DPI for a list of three possible hearing officers. The parents will eliminate one of the possible hearing officers, the district another, and the remaining person will be the hearing officer.

The child's educational placement may not be changed during the hearing process, unless the parents and the school agree to the change. If the hearing involves initial admission to the public school, the child (with the consent of the parents) must be placed in the public school program until completion of the hearing proceedings.

Basic rights for a hearing are

1) the right of the parent to request an impartial due process hearing to question the child's identification, evaluation, or educational placement or provision of a free, appropriate public education;
2) right to have the use of an interpreter, if necessary;
3) right to be told of any free or low cost legal or other relevant services available;
4) right to have the hearing conducted by an impartial hearing officer;
5) right to be accompanied to the hearing and advised by counsel and individuals with special knowledge or training in problems of the handicapped;
6) right to have the child present;
7) right to have the hearing open to the public;
8) right to present evidence and confront, cross-examine, and compel the attendance of witnesses;
9) right to prohibit the introduction of any evidence at the hearing that has not been disclosed at least five days before the hearing;
10) right to receive a free copy of each document offered into evidence or submitted to the hearing officer by the other party;
11) right to have a record of the hearing;
12) right to obtain written findings of fact and a written decision within 45 days after the agency received the initial request for the hearing;
13) right to have access to any reports, records or clinical evaluations on which a decision was based or which could have a bearing on the correctness of the decision;

14) right to appeal a hearing officer's decision to the state superintendent and receive a decision within 30 days of filing the appeal;
15) right to appeal a decision from the state superintendent into court; and
16) right to have the child remain in the present educational placement during the administrative proceeding, unless parent and agency agree otherwise; this does not preclude the school district from using its normal procedures for dealing with children who are endangering themselves or others.

Further information about the hearing and appeal processes can be obtained from your local school or the Division for Handicapped Children and Pupil Services.

How is a Complaint Filed?

Parents are usually satisfied with the identification, evaluation, educational placement and provision of a free, appropriate public education by the school. However, occasionally they are concerned or dissatisfied with the process or procedures used by the school to achieve them. In such cases, the parents can enter a complaint in several ways.

EDGAR Complaints

EDGAR complaints take their name from the federal requirement that each state have a procedure for investigating complaints. The requirement is found at 34 C.F.R. 76.780-783 of the Education Department General Administrative Regulations (EDGAR). There is also a similar procedure for investigating complaints in state regulation at s. PI 11.15, Wis. Admin. Code.

Any individual or organization may file a complaint with the Department of Public Instruction if they believe a public agency responsible for providing special education programs has violated a state or federal law or regulation relative to these programs. The complaint may be based on an alleged violation affecting a single child or parent, it may allege a violation in regard to a group of children, or it may allege a systemic violation throughout the agency.

The Department of Public Instruction has a responsibility to investigate these complaints and issue a decision within 60 days of receipt of the complaint. The 60-day timeline may be extended by the department if exceptional circumstances exist such as:

1) The investigation is hindered by the non-availability of necessary parties.
2) Either the agency or complainant submits additional data which changes the course of the investigation.

All complaints must be in writing and must be signed. Anonymous complaints will not be processed. A complaint must allege a procedural violation of the laws or regulations for special education involving either a single child or a group of children. The complaint should clearly identify the concern or alleged violation. Complaints must be filed within 3 years of the alleged violation. It is not necessary for a person filing a complaint to identify the specific law or regulation involved.

Complaints which are not covered by the EDGAR complaint procedures will be acknowledged with information about how the concern(s) may be dealt with. If the complaint is more appropriately dealt with through a due process hearing, the department will review the procedural aspects of the issue. The individual filing the complaint will be advised of the hearing procedures to follow if they wish to challenge the agency's initiation, refusal or change of the child's identification, evaluation, educational placement or provision of a free appropriate public education.

Complaints may be made to:

Assistant Superintendent
Division for Handicapped Children
and Pupil Services
Department of Public Instruction
P.O. Box 7841
Madison, Wisconsin 53707-7841

OCR Complaints

A complaint may be filed with the Office for Civil Rights (OCR) under Section 504 of the Rehabilitation Act of 1973 and under federal regulations adopted under this act (34 C.F.R. 100.7). This complaint would allege that an individual child or class of

individuals has been subjected to discrimination. The complaint must be made within 180 days of the alleged discrimination under Section 504 of the Rehabilitation Act of 1973, unless this timeline is extended by the Office for Civil Rights. Title VI of the Civil Rights Act of 1964 assures complainants of due process and prohibits retaliation against complainants.

OCR complaints are filed with:

Office for Civil Rights - Region V
401 South State Street - 7th Floor
Chicago, Illinois 60605
(312) 353-2520

118.13 Complaints

A parent may also file a complaint with the school district under s. 118.13, Wis. Stats., if the parent believes the school has discriminated against the child on the basis of the child's physical, mental, emotional, or learning disability. Under the pupil nondiscrimination law, a local school board must receive a complaint from the parents, investigate it, and make a decision. If the parent disagrees with the decision of the board, he or she may appeal it to the state superintendent.

Each local district has developed its own procedures and forms for filing complaints under s. 118.13. The building principal or district office will be able to provide the necessary information about filing complaints.

What Rights Do Parents and Children Have?

Both state and federal special education laws provide specific procedures which must be followed when placing and serving a child in special education. There are rights which parents and children have as part of these procedures. The purpose of these rights is to ensure that children and parents are treated fairly and are given due process.

There are several occasions when a district must give parents information about their rights. Some of these may be combined, depending on a district's means of sending notices to parents. A parent must be given a copy of the parent rights when the district

A. receives a referral.
B. proposes or refuses to initiate a multidisciplinary team evaluation (notice of evaluation).
C. proposes or refuses to identify a child as having an EEN (notice of M-Team findings).
D. sends a notice of an IEP meeting.
E. refuses to initiate or change an IEP at parent request.
F. sends a notice of placement, either new or changed.
G. refuses to initiate or change a placement.

Notice

Parents have the right to receive written notice a reasonable time before the school proposes or refuses to initiate or change the identification, evaluation, educational placement, or the provision of a free appropriate public education to their child. The notice must include

A. a copy of the parent's rights.
B. a description of the action planned or refused by the district.
C. an explanation of why the district plans or refuses the action.
D. any other options which were considered and the reasons they were rejected.
E. a description of each evaluation procedure, test, record, or report the district used as a basis for its action.
F. any other factors relevant to the action.
G. information about whether the parent has given consent for evaluation or placement, the date(s) the consent was given, and if it is currently in effect.
H. the information required for consent.

Notice must be sent to parents when

A. the district receives a referral.
B. the district is going to evaluate a child as part of the multidisciplinary team process.
C. the district proposes to initiate or change a child's identification as a child with EEN.
D. the district is going to review or revise a child's individualized education program (IEP).
E. the district is going to change a child's special education placement.
F. the district refuses to do any of the above at a parent's request.

The notice must be in writing, at a level understandable to the general public, and provided in the parent's native language or other principal method of communication. If their method of communication is not a written language, they have the right to have the notice translated orally or provided by other means. The school district must document that parents understand the content of the notice.

Consent

A. Parental consent is needed for a preplacement evaluation.
B. Parental consent is needed for an initial placement in special education.
C. Parents may refuse permission to evaluate or to place.
D. Consent is voluntary.
E. Parents may revoke their consent at any time.
F. Parents must be informed of the effect of revoking consent.
G. Parents must be informed of all information relevant to the activity for which consent is sought.
H. If a parent refuses or revokes consent, the district may start a hearing to override the parent's refusal or revocation.
I. Parents have the right to discuss the reason and nature of the school's request to evaluate with a helpful individual before giving permission to evaluate.
J. Consent is not required except for a preplacement evaluation and initial placement in special education.

Evaluation

A. Parents have the right to be informed of the general procedures and tests to be used in an evaluation.
B. Parents have the right to be fully informed of the evaluation meetings, multidisciplinary team findings, and conclusions.
C. Parents must be invited to participate in multidisciplinary team meetings.
D. If a parent is unable to attend a meeting of a multidisciplinary team, he or she may request a conference to discuss the team's findings.
E. Parents have the right to have an interpreter/translator if their primary language is not English or if they are deaf/hearing impaired.
F. Multidisciplinary team standards in state law must be followed.
G. Parents have the right to have a cultural or minority representative or an advocate assist them during the multidisciplinary team process.
H. Parents must be involved in the multidisciplinary team process and planning for the child's individualized education program.
I. All assessment/evaluation tests and procedures will be appropriately adapted for children with impaired sensory, physical, or speaking skills and will take into consideration age, socioeconomic, and cultural background.
J. Tests and similar evaluation procedures will be administered in the child's primary language. All communication with parents will be in their primary language.
K. All assessments/evaluations must assess specific abilities, not produce merely a single intelligence quotient (IQ) score.
L. Parents have the right to be given a copy of the multidisciplinary team report.
M. Parents have the right to have copies of individual reports available at the multidisciplinary team meeting if they request them in writing within 10 days of the date the district sends a notice of evaluation.

Independent Educational Evaluations

A. Parents have the right to have an independent evaluation for their child at no cost if they disagree with the evaluation findings and conclusions.
B. Parents have the right to have independent evaluations considered in any decision made with respect to the provision of a free appropriate public education to the child.
C. The school must provide to parents, on request, information about how and where to obtain an independent evaluation and what criteria apply to the evaluation.

D. The school must pay for the independent evaluation unless a hearing officer finds that the district's evaluation was appropriate or the parent refuses to provide a copy of the evaluation results to the district.
E. If a due process hearing officer or reviewing officer requests an independent educational evaluation as part of the hearing or appeal, the cost of the evaluation must be at public expense.
F. Independent evaluations at public expense must meet the criteria which the school uses for evaluations.

Review of Records

Parents or their representatives have the right to inspect and review all their child's educational records including those which relate to the identification, evaluation, educational placement, and the provision of a free appropriate public education for their child. The school must comply with a request for review

A. without unnecessary delay.
B. before any meeting regarding an individualized education program or hearing relating to the identification, evaluation, or placement of the child.
C. no more than 45 days after the request.

Parent's rights to review records include

A. a response from the school to reasonable requests for explanations and interpretations of the records.
B. copies of the records if failure to provide those copies would effectively prevent them from exercising the right to inspect and review.
C. having a representative of the parent review the records.
D. the right to be informed that the school may presume that any parent has the right to review records unless the school district has been informed that the parent does not have the right under state law.
E. if any education record includes information on more than one child, the parents of those children have the right only to review the information relating to their child.
F. on request, being informed by the school of the types and locations of education records collected, maintained, or used by the school.
G. being charged for the cost of copying records unless that charge prevents them from exercising their right to review records. They may not be charged for the search and retrieval of records.
H. requesting that the school amend the information in a record if they believe that the information is inaccurate, misleading, or violates the privacy or other rights of their child. If the school agrees to amend the record, it must be amended within a reasonable time.
I. if the school refuses to amend the record as requested it must inform the parents of the refusal and their right to a hearing. If, as a result of the hearing, the school decides the information:
    1. is inaccurate, misleading, or a violation of privacy, the district must amend the record and inform the parents of the amendment in writing.
    2. is not inaccurate, misleading, or a violation of privacy, the school must inform parents of their right to place a statement in the records which sets forth the reasons for disagreeing with the school's decision. The statement must be maintained with the contested portion of the record as part of the education record as long as the record is maintained by the school and must be included with any copies of the record.

J. the school must keep a record of who, besides parents and authorized school personnel, obtains access to each child's records. The record must indicate the name, date, and purpose of the access.

Programming and Placement

A. A meeting to develop or review an individualized education program (IEP) must be held within 30 days of a determination by a multidisciplinary team that a child needs special education.
B. IEP meetings must be at a mutually agreeable time and place.
C. Individual reports from multidisciplinary team meetings must be in writing and available to parents before the IEP meeting.
D. Parents must be invited to IEP meetings.
E. The invitation to an IEP meeting must include
   1. the date, time and location of the meeting.
   2. the purpose of the meeting.
   3. the names and titles of who will attend the meeting.
   4. information that a parent may bring other people to the meeting.
F. If a parent is unable to attend a meeting, the district must try to involve the parent in another way.
G. The district must ensure that parents understand what is said at the meeting with a translator or interpreter if necessary.
H. A child's placement must be based on the child's IEP and determined annually.

Least Restrictive Environment

Every handicapped child has the right to
A. be educated to the maximum extent appropriate with children who are not handicapped.
B. be removed from the regular educational environment only when the nature or severity of the handicap is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.
C. have a continuum of alternative placements available.
D. participate, to the maximum extent appropriate to the child's individual needs, with nonhandicapped children in extracurricular activities, including meals and recess periods.
E. be educated in the school which the child would attend if not handicapped unless the IEP requires some other arrangement.
F. be educated as close as possible to the child's home.
G. be educated in the home or a hospital only with a physician's statement that the child is unable to attend school.
H. have considered in selecting the least restrictive environment any potential harmful effect on the child or on the quality of services the child needs.

Complaints

Any person has the right to file a written complaint under federal and state law. If a person believes the district or state has violated a special education law, complaints can be made to the Assistant Superintendent, Division for Handicapped Children and Pupil Services.

Appeals and Hearings

A. A parent has the right to request a hearing regarding identification, evaluation, placement, or provision of a free appropriate public education.
B. A district may initiate a hearing to override a parent's refusal or revocation of consent.
C. Parents have the right to be informed of available free or low-cost legal services or other relevant services when a hearing is initiated or on request.
D. Parents have the right in some circumstances to be reimbursed for attorney's fees by a court if they prevail during proceedings.

A hearing will be conducted by an impartial hearing officer who must issue a written decision within 45 days of the request for a hearing and send a copy of the decision to each party to the hearing with a notice of the parties' appeal rights. The hearing officer will set a time and place for the hearing which is agreeable to the parties and reasonably convenient for the parents and child. A hearing decision will consist of finding of fact, conclusions of law, and will be based on a preponderance of evidence. The district is responsible for the costs of the hearing.

A hearing officer is selected by the district with the written consent of the child's parents. If a parent does not respond within seven days of a district's written notification of a proposed hearing officer, the proposed hearing officer will be considered acceptable. If the parties cannot agree on a hearing officer, the board will ask the department to provide a list of three hearing officers. The parent will reject one of the choices, then the board will reject one. The remaining person will be the hearing officer.

The hearing officer's decision is final and binding unless appealed to the state superintendent of public instruction. Either party to a hearing may appeal, in writing, the hearing officer's decision to the state superintendent of public instruction within 45 days. The state superintendent will appoint an impartial independent reviewing officer to hear the appeal.

The reviewing officer may set guidelines for the conduct of the appeal and hold conferences for the settlement or simplification of the issues. The reviewing officer will examine the entire hearing record, review the hearing procedures, seek additional evidence if necessary, and, at the reviewing officer's discretion, give the parties an opportunity for oral argument. The parties to an appeal have the right to submit a brief to the reviewing officer in support of their case. If the reviewing officer seeks additional testimony or permits oral arguments, the powers and procedures of the hearing officer apply. The independent reviewing officer will make and mail a written independent decision to the parties within 30 days of receipt of the request for review. The decision is final unless appealed within 45 days to federal district court or the circuit court for the county in which the child resides.

The hearing or reviewing officer may grant specific extensions of time at the request of either party. Hearing and reviewing officers may not be employed by a public agency involved in the education or care of the child, or by a school board, Cooperative Educational Service Agency (CESA), or County Handicapped Children's Education Board (CHCEB). They also may not have a personal or professional conflict of interest. A person is not considered an employee if paid only as a hearing officer. Each agency is to keep a list of hearing officers and their qualifications.

The child's educational placement may not be changed during the hearing process unless the parents and school agree. If the hearing involves initial admission to the public school, the child, with the consent of the parents, must be placed in the public school program until the completion of the proceedings. While the placement may not be

changed, this does not preclude the public agency from using its normal procedures for dealing with children who are endangering themselves or others.

Any party to a hearing has the right to

A. be accompanied and advised by counsel and by individuals with special knowledge or training of handicapped children.
B. present evidence and confront, cross-examine, and compel the attendance of witnesses.
C. prohibit the introduction of any evidence at the hearing that has not been disclosed at least five days before the hearing.
D. receive a free copy from another party of each document offered into evidence by that party.
E. have access to any reports, records, or clinical evaluations on which a decision was based or which could have a bearing on the correctness of the decision.
F. obtain a written verbatim record of the hearing. The board may charge a reasonable fee for a copy, unless a parent requests a free copy based on a showing of financial need.
G. present the independent evaluation as evidence at a hearing regarding the child.

Parents have the additional rights in a hearing to

A. have the child who is the subject of the hearing present.
B. open the hearing to the public.

Surrogate Parents

The district must protect the rights of children by appointing a surrogate parent in the following circumstances:

A. when the district cannot identify a parent of a child
B. when the district cannot locate the child's parent after a reasonable effort
C. when the child is a ward of the state or county or of a child welfare agency
D. when the child has been placed in the legal custody of the state, county, or child welfare agency which has authority to make educational decisions for the child

The district must review the appointment of a surrogate parent at least once each year. A surrogate parent has the right to a due process hearing to challenge a board's termination of his or her appointment.

A surrogate parent has the rights of a parent in regard to special education and is required to represent the interests of the child and protect the confidentiality of the child's records.

What Resource Organizations are Available for Parents of Children with EEN?

This list of resources is not intended to be all-inclusive. If you need further information or referral, please feel free to call the DHCPS (Monday - Friday, 8:00 a.m. to 4:00 p.m.).

Madison	(608) 266-8143	(voice)
TDD	(608) 267-2427	

Private Agencies

Association for Retarded Citizens
121 S. Hancock Street
Madison, WI 53703
(608) 251-9272

Autism Society of Wisconsin
P.O. Box 2684
Madison, WI 53701-2684

Cerebral Palsy, Inc.
2801 S. Webster Avenue
Green Bay, WI 54301
(414) 337-1122

Easter Seal Society of Wisconsin
1409 Emil Street
Madison, WI 53713
(608) 257-3411

Easter Seal Society of Milwaukee County
3090 North 53rd Street
Milwaukee, WI 53210
(414) 871-1270

Learning Disabilities Association of Wisconsin
2415 Amherst Road
Middleton, WI 53562
(608) 836-9722

Muscular Dystrophy Association

421 S. Military Avenue
Green Bay, WI 54303
(414) 499-4571

2001 W. Broadway
Madison, WI 53713
(608) 222-3269

811 North Hawley Road, Suite 100
Milwaukee, WI 53213
(414) 453-7600

National Spina Bifida Association
1700 Rockville Pike, Suite 540
Rockville, MD 20852
1 (800) 621-3141

National Spinal Cord Injury Association

Madison Chapter
P.O. Box 2685
Madison, WI 53701
(608) 222-8302

Greater Milwaukee Chapter
1545 S. Layton, Room 516
Milwaukee, WI 53215
(414) 384-4022

Parent Education Project
230 W. Wells, Suite 502
Milwaukee, WI 53203
(414) 272-4500
(414) 272-1077 (TDD)
1 (800) 472-5525

Prader-Willi Syndrome Association
5515 Malibu Drive
Edina, MN 55435

Wisconsin Representative
Virginia Cardarella
5418 Camden Road
Madison, WI 53716
(608) 274-4350

Spina Bifida Association of Northeastern Wisconsin
4015 S. 18th Street
Manitowoc, WI 54220
(414) 682-5632

Spina Bifida Association of Northern Wisconsin
701 2nd Avenue West
Ashland, WI 54806
(715) 682-6176

Spina Bifida Association of The Greater Fox Valley
Route 1
Hortonville, WI 54944
(414) 757-5845

Spina Bifida Association of Southeastern Wisconsin
P.O. Box 303
Germantown, WI 53022
(414) 963-9905

Tuberous Sclerosis Association

State Representative
Pat Martinelli
Route 8, 6063 Grandview Road
Verona, WI 53593
(608) 271-3663

Northern Area
Route 7, Box 460P
Chippewa Falls, WI 54729
(715) 726-1114

United Cerebral Palsy of Wisconsin
1502 Greenway Cross
Madison, WI 53713
(608) 273-4434

Volunteer Braillists, Inc.
517 N. Segoe Road, #200
Madison, WI 53705
(608) 233-0222 (9:00 a.m. - Noon)

Wisconsin Association for Children with Behavior Disorders
Marlyn Franzen, President
Madison Metropolitan School District
545 West Dayton Street
Madison, WI 53703
(608) 266-6153

Wisconsin Association for the Deaf

Tom Harbison, President
309 W. Walworth Avenue
Delavan, WI 53115
(414) 728-6382 (voice, TDD)

Margaret James
2827 N. 57th Street
Milwaukee, WI 53210
(414) 442-6021

Jean Cordano
520 Parish Street
Delavan, WI 53115
(414) 728-3705 (TDD only)

Wisconsin Association of Family and Children's Agencies
3 S. Pinckney Street, Suite 706
Madison, WI 53703
(608) 257-5939

Wisconsin Association of Nonpublic Schools
John Huebsher, Associate Director
30 W. Mifflin Street, Room 302
Madison, WI 53703
(608) 257-0004

Wisconsin Association of Parents of the Visually Impaired
6910 W. Brown Deer Road
Milwaukee, WI 53223-0958
(414) 675-2575

Wisconsin Chapter, Tourette Syndrome Association, Inc.
% Comprehensive Child Care Center
1000 North Oak Avenue
Marshfield, WI 54449
(715) 387-5228

Wisconsin Coalition for Advocacy
16 N. Carroll Street, Suite 400
Madison, WI 53703
(608) 267-0214

Wisconsin Council of the Blind, Inc.
354 W. Ma Street
Madison, W 53703
(608) 255-1 ,6
1 (800) 783-5213

Wisconsin Disability Coalition
225 E. Dean Avenue
Madison, WI 53716
(608) 221-1837 (voice, TDD)

Wisconsin Epilepsy Association
6400 Gisholt Drive, Suite 210
Madison, WI 53713
(608) 221-1210

Wisconsin Head Start
Christine Lehman, Handicapped Specialist
7 N. Pinckney Street, Suite 225C
Madison, WI 53703
(608) 266-6547

Wisconsin PTA
4797 Hayes Road, Suite 2
Madison, WI 53704-3256
(608) 244-1455

Wisconsin Paralyzed Veterans
1000 N. 92nd Street
Milwaukee, WI 53226
(414) 475-7792

Wisconsin Speech-Language-Hearing Association
8700 W. Wisconsin Avenue, Box 199
Milwaukee, WI 53226
(414) 257-5870

State Agencies

Department of Administration
State Section 504 Coordinator
101 S. Webster Street, GEF 2
P.O. Box 7864
Madison, WI 53707
(608) 266-0411

Department of Health and Social Services
Council on Developmental Disabilities
One W. Wilson Street, Room 338
P.O. Box 7851
Madison, WI 53707
(608) 266-7826

Division of Vocational Rehabilitation
Client Assistance Program
Disability Information and Referral
131 W. Wilson Street
P.O. Box 7852
Madison, WI 53707
(608) 267-7422 or 267-5016 (voice, TDD)
(800) 362-1290 Wisconsin other than Dane County (voice, TDD)

Office for the Hearing Impaired (Central Office)
131 W. Wilson Street,
Room 611
P.O. Box 7851
Madison, WI 53707
(608) 266-1281 (voice)
(608) 266-8083 (TDD)

Regional Offices

Southern Regional Office
(Region I)
5005 University Avenue
Madison, WI 53705
(608) 267-3800 (voice, TDD)
(608) 267-4329 (TDD)

Southeastern Regional Office (Region II)
141 Northwest Barstow
P.O. Box 1258
Waukesha, WI 53187
(414) 521-5128 (voice, TDD)
(414) 521-5162 (TDD)

Milwaukee Regional Office
(Region III)
3501 South Howell Avenue
Milwaukee, WI 53207
(414) 769-3161 (voice, TDD)

Eastern Regional Office
(Region IV)
200 N. Jefferson
Green Bay, WI 54303
(414) 436-4426 (voice, TDD)
(414) 436-4439 (voice, TDD)

Western Regional Office
(Region V)
517 Walker Avenue
P.O. Box 1228
Eau Claire, WI 54702-1228
(715) 836-2062 (voice, TDD)
(715) 836-2075 (voice, TDD)

Northern Regional Office
(Region VI)
2416 Stewart Square
Wausau, WI 54401
(715) 848-1005 (voice)
(715) 848-1136 (TDD)

Division of Care and Treatment Facilities

Central Wisconsin Center for the Developmentally Disabled
Library Information Center
317 Knutson Drive
Madison, WI 53704
(608) 249-2151, ext. 327

Department of Public Instruction
Herbert J. Grover, State Superintendent
125 S. Webster Street
P.O. Box 7841
Madison, WI 53707-7841
(608) 266-1771

Division for Handicapped Children and Pupil Services
Victor J. Contrucci, Assistant State Superintendent
125 S. Webster Street
P.O. Box 7841
Madison, WI 53707-7841
(608) 266-1649

Waisman Center on Mental Retardation and Human Development
1500 Highland Avenue
Madison, WI 53705-2280
(608) 263-5776

What Terms Should Parents Know?

Achievement test. A test that measures what a child has already learned.

Audiology. The study of hearing and hearing disorders.

Behavioral records. Student records that include psychological tests, personality evaluations, records of conversations, any written statement concerning a student's behavior, achievement and/or ability tests, health records, and any other student records that are *not* progress records.

Board. "School board" means the school board or board of education in charge of the schools of a school district.

Boarding homes. Homes to care for nonresident students who are receiving special education programs or services, or both, five days a week.

Child. Any person under the age of 21 years and, for the duration of a school term, any person who becomes 21 years old during that school term.

Child advocate. An individual who represents the parents of the child or the child.

Child with exceptional educational needs. A child who has a handicapping condition and who because of the handicapping condition needs special education.

Cooperative agreement or 66.30. A special education program operated by two or more school districts or CHCEBs with one being the fiscal agent.

Cooperative Educational Service Agency (CESA). A service unit which serves as a link between school districts and between the local school district and the state superintendent.

County Handicapped Children's Education Board (CHCEB). Board established by county board of supervisors to provide exceptional education services and programs.

Deaf. A hearing impairment which is so severe that the child is impaired in processing linguistic information through hearing, with or without amplification, which adversely affects educational performance.

Deaf-blind. A term found in P.L. 94-142, it refers to hearing and visual impairments, the combination of which causes severe communication, developmental, and educational problems such that accommodation cannot be made in special education programs solely for deaf or blind children.

Department of Public Instruction (DPI). Wisconsin's state education agency (SEA).

Director. A licensed person appointed by the school board responsible for the special education administrative structure including special education staff, related staff, programs, and services to exceptional educational needs (EEN) students.

Division for Handicapped Children and Pupil Services (DHCPS). A division of the Wisconsin Department of Public Instruction (DPI) responsible for special education programs and services to EEN children.

Education of the Handicapped Act (EHA). The federal special education law which provides funding to states and sets procedural requirements for educational agencies. It is commonly referred to as P.L. 94-142 which was a major amendment to the EHA.

EEN referral. A written statement submitted to the board by any person who has reasonable cause to believe that a child is a child with EEN.

Emotional disturbance (ED). A handicapping condition characterized by emotional, social, and behavioral functioning that significantly interferes with a student's educational program; and by deviant behavior that is severe, chronic, or frequent and that is manifested in at least two of the student's primary environments (home, school, and community).

Note: "Educational program" includes social interactions, interpersonal relationships, and personal adjustment as well as academic skills; a student can be functioning adequately in academic areas and still be identified as having an emotional disturbance.

Exceptional educational need (EEN). A need for special education due to a handicapping condition which is determined by a multidisciplinary team.

Free appropriate public education or "FAPE". Means special education and related services at public expense, under public supervision and direction, and without charge.

Hearing. A public or private proceeding conducted by a local school board according to the procedures in state regulation.

Hearing officer. A person appointed or hired by the school board to conduct an official hearing in special education.

Hard of Hearing. A hearing impairment, whether permanent or fluctuating, which adversely affects a child's educational performance.

Independent evaluation. Educational evaluation conducted by a qualified examiner who is not employed by the agency responsible for a child's education.

Individualized education program or "IEP". A plan which establishes the education program to be provided to a child with EEN.

Learning disabilities (Wisconsin Statutes, Chapter 115); specific learning disability (P.L. 94-142). A handicapping condition which denotes severe and unique learning problems due to a disorder existing within the child which significantly interferes with the ability to acquire, organize, and/or express information.

Least restrictive environment (LRE). To the maximum extent appropriate, a handicapped child should be educated in an environment with nonhandicapped peers; separate schooling and other removal from the regular environment should occur only when the nature or severity of the handicap prevents education in the regular educational environment.

Local education agency (LEA). A local educational agency including a district, CESA or CHCEB which is responsible for the delivery of educational services and programs operated by public schools.

Mental retardation (mentally retarded, developmentally disabled). Significantly below-average, general intellectual functioning coupled with deficiencies in adaptive behavior.

Multidisciplinary team or M-Team. A team appointed by the school district to evaluate a child referred for having a possible exceptional educational need.

M-Team evaluation. Evaluation materials and procedures used by an appointed group of school staff to assess the child in all areas related to a suspected handicapping condition. The M-Team determines a child's eligibility for special education based on an evaluation.

Multiple handicapped. Students who have two or more handicapping conditions.

Non EEN or "non-exceptional needs." Needs which are not part of special education.

Occupational therapy (OT). Providing services to individuals to improve, develop, or restore functions lost or impaired through illness, injury or deprivation, including tasks for independent functioning. OT services are provided to children with EEN who need it to benefit from special education. OT is directed toward enabling pupils to participate and progress in special education by minimizing the effect of the physical disability. OT can only be provided with a M-Team recommendation.

Office for Civil Rights (OCR). Office within the U.S. Department of Education responsible for implementing and enforcing the civil rights of citizens granted under the United States Constitution and federal statutes.

Office of Special Education Programs (OSEP). Office within the U.S. Department of Education responsible for monitoring state and local district provision of special education programs and handling appeals from complaints based on violations of the Education of the Handicapped Act (EHA).

Other health impaired. Students who have physical defects, organic diseases, or other conditions that hinder their achievement of normal growth.

Physically handicapped. Students who have physical defects, organic diseases, or other conditions that hinder their achievement of normal growth.

Physical therapy (PT). Providing service to pupils to prevent or minimize disability, develop and improve sensory and motor function, control postural deviations, and establish and maintain maximum performance within the individual's capabilities. PT is provided to children with EEN who need it to benefit from special education. PT is directed toward enabling students to participate and progress in special education

by minimizing the effect of the physical disability. PT can only be provided with a M-Team recommendation.

Placement offer. Placement of the child with EEN in a delivery model which will carry out the child's IEP.

Psychological evaluation. An assessment through the use of group and/or individual tests that determines the level of functioning in any of three areas:

1. **Cognitive** – how much one knows in certain areas; how one thinks
2. **Affective** – pertaining to feelings or emotions
3. **Perceptual motor control** – coordination and appropriate responses from all parts of the body

Program designee. Person designated by the board to administer and coordinate elements of programs and services for children with EEN.

Related services. Transportation and such developmental, corrective, and other supportive services required to assist a handicapped child to benefit from special education, and includes audiology, psychological services, physical and occupational therapy, recreation, early identification and assessment of disabilities in children, counseling services, and medical services for diagnostic or evaluation purposes. The term also includes school health services, social work services in schools, and parent counseling and training.

Re-evaluation. An M-Team evaluation conducted every three years (or sooner if a parent or teacher requests) for each student receiving special education.

Section 504 of the Rehabilitation Act of 1973 (P.L. 93-112). A federal statute dealing with nondiscrimination based on a handicap.

Special education. Specially designed instruction at no additional cost to parents to meet unique individual needs of handicapped children.

Special education screening. A process used to determine whether there is reasonable cause to believe that a child is a child with EEN.

Speech and language handicaps (Wisconsin Statutes, Chapter 115); speech impaired (P.L. 94-142). Handicapping conditions characterized by a delay or deviance in acquiring prelinguistic, receptive, and/or expressive skills of oral communication.

Surrogate parent. A person appointed to act as the child's parent in all matters relating to special education.

Visually handicapped. Students who have visual deficiencies that, even with correction, adversely affect their educational performance.